

### **REMARKS**

Claim 7 is objected to for informalities. Claims 17-23 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claims 1-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by United States Patent Number 6,145,066 to Atkin (hereinafter “Atkin”).

For the Examiner’s convenience and reference, Applicants’ remarks are presented in substantially the same order in which the corresponding issues were raised in the Office Action. Please note that the following remarks are not intended to be an exhaustive enumeration of the distinctions between any cited references and the claimed invention. Rather, the distinctions identified and discussed below are presented solely by way of example to illustrate some of the differences between the claimed invention and the cited references.

Applicants thank the examiner for the interview of August 17, 2006. As discussed, Applicants have further amended the claims to specify that the source volume and the target volume receive updates during migration. In addition, Applicants have amended claims 17-20, 22, and 23 with the language discussed in order to claim statutory subject matter as will be discussed below.

### **Response to objections for informalities.**

Claim 7 stand rejected for informalities. Applicants have amended claims 7, 15, and 23 by adding the word “volume” as requested to cure the informality.

Response to rejections of claims under 35 U.S.C. § 101.

Claims 17-23 stand rejected under 35 U.S.C. § 101 as being directed to non-statutory subject matter. Claim 21 is canceled. Applicants have amended claims 17-20, 22, and 23 so that they are directed to “A data processing system program product having executable instruction code stored on a machine-readable data storage medium for migrating data, wherein the executable instruction code when executed on a data processing system causes the data processing system to...” Claim 17 as amended. The amendment is well supported by the specification, which teaches machine-readable instructions (Page 12, Line 20) and machine-readable data storage medium (Page 13, Line 11). Applicants submit that as amended, claims 17-20, 22, and 23 are directed to statutory subject matter under 35 U.S.C. § 101.

Response to rejections of claims under 35 U.S.C. § 102(b)

Claims 1-23 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Atkin. Applicant respectfully traverses these rejections.

Applicants have amended claims 1, 9, and 17 with the limitations “...wherein the source volume is mapped to a target logical unit number (LUN) on a small computer system interface (SCSI) bus...” “...a target volume having the target LUN on the SCSI bus...” and “...receiving updates at the source volume and the target volume during migration by directing all write commands to the source volume and the target volume at the target LUN on the SCSI bus.” Claim 1 as amended. See also claims 9 and 17.

The amendments are well supported by the specification, which discloses that each source

volume is mapped to a target LUN and creating a synchronous mirror between the source volume and target volume so that all write commands go to both the source volume and target volume while completing a copy to the target volume. Page 6, Lines 12-17. Thus as amended, the present invention claims *receiving updates at the source volume and the target volume during migration by directing all write commands to the source volume and the target volume at the target LUN on the SCSI bus*. Claim 1 as amended.

In contrast, Atkin teaches a COPY phase where data is copied from source to target. Atkin Col 13, Line 66 – Col 14, Line 1; Fig. 5, Ref. 11. The COPY phase is followed by a REFRESH phase where updates to the source are *reflected* to the target volume. Atkin, Col. 14, Lines 10-14; Fig. 5, Refs. 12, emphasis added. Atkin then discloses a QUIESCE phase where no updates are made to the source. Atkin, Col. 14, Lines 32-33; Fig. 5, Ref. 13. The QUIESCE phase followed by a SYNCHRONIZE phase where final updates are made to the target. Atkin, Col 14, Lines 32-38; Ref. 14. Thus, Atkin teaches synchronizing the target volume with updates after and non-concurrent with the updates to the source volume.

Because Atkin does not teach receiving updates at the source volume and the target volume during migration by directing all write commands to the source volume and the target volume at the target LUN on the SCSI bus, Applicants submit that claims 1, 9, and 17 are allowable. Claims 5, 13, and 21 are canceled. Applicants have amended claims 6, 7, 14, 15, 22, and 23 to conform to amended claims from which they depend. Applicants further submit that claims 2-4, 6-8, 10-12, 14-16, 18-20, 22, and 23 are allowable as depending from allowable claims.

As a result of the presented remarks, Applicants assert that independent claims 1-4, 6-12, 14-20, 22, and 23 are in condition for prompt allowance. Should additional information be required regarding the traversal of the rejections of the claims enumerated above, Examiner is respectfully asked to notify Applicants of such need. If any impediments to the prompt allowance of the claims can be resolved by a telephone conversation, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,

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